

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

CRIMINAL CASE NO. 3:01cr186

UNITED STATES OF AMERICA,)

)

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vs.

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RANDY FALLS.

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ORDER

THIS MATTER is before the Court on the Supplement to the Presentence Report pursuant to Crack Cocaine Guideline Amendment [Doc. 54] and Sentencing Recommendation pursuant to Crack Cocaine Guideline Amendment [Doc. 55] filed by United States Probation Office.

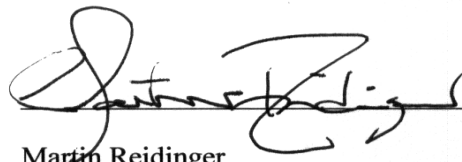
On February 22, 2008, the Defendant filed with this Court a Motion for Appointment of Counsel for the Purposes of Resentencing [Doc. 51], seeking an attorney to provide assistance with regard to the issue of whether the Defendant is entitled to relief pursuant to Amendment 706 to the Sentencing Guidelines, which amendment was determined to be retroactive.

On July 10, 2008, attorney Janna Allison was appointed to represent

the Defendant regarding this issue, even though the order appointing Ms. Allison was not filed with the Court until December 4, 2008. [Doc. 53]. In the nearly one year since being appointed to assist the Defendant with regard to this issue, attorney Allison has not made any filing with the Court regarding this issue. The Probation Office has now filed its Supplement to the Presentence Report pursuant to Crack Cocaine Guideline Amendment [Doc. 54] and Sentencing Recommendation pursuant to Crack Cocaine Guideline Amendment [Doc. 55] regarding this matter. Therefore, in order for the Court to dispose of this matter, the Court is in need of the Defendant's position with regard to his eligibility for relief under Amendment 706.

IT IS THEREFORE ORDERED that the Defendant, through his appointed counsel, shall file with the Court on or before June 30, 2009, either a motion for relief pursuant to Amendment 706 or a notice of ineligibility therefor.

Signed: June 15, 2009


Martin Reidinger
United States District Judge

